

**Notice of Allowability**

Application No.

09/831,049

Applicant(s)

KATZ, MARCOS

Examiner

Jean A. Gelin

Art Unit

2688

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/20/06.
2. ☒ The allowed claim(s) is/are 4, 5, 14, 15, 22, 23, 25, and 26, renumbered as 1-8.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

1. This is in response to the Applicant's arguments, and amendments filed on January 20, 2006 in which claims 1-3, 6-13, 16-21, and 24 have been canceled. Claims 4, 5, 14, 15, 22, 23, 25, and 26 are currently pending.

### ***Allowable Subject Matter***

2. After a thorough search and examination of the present application, claims 4, 5, 14, 15, 22, 23, 25, and 26, renumbered as 1-8 respectively, are found to be in condition of allowance.

3. The following is an examiner's statement of reasons for allowance: the cited prior arts teach when the quality of the signal is deteriorated the mobile station selects another directional antenna to continue communication. The prior arts further teach the mobile station has the capability to switch to a different directional antenna based on the quality of the signal.

On the other hand, the Applicant teaches, inter alia, selecting the antenna(s) or transmission direction(s) to continue transmission of the signal to the subscriber terminal, wherein the signals transmitted by the base stations are amplified by amplifiers, and the antenna which is connected to one of the amplifiers with the lowest load is selected as the transmission antenna. These limitations, in conjunction with all limitations of the independent claims, have not been disclosed, taught, or made obvious over the prior arts of record.

On the other hand, the Applicant further teaches, inter alia, selecting the antenna(s) or transmission direction(s) to continue transmission of the signal to the subscriber terminal, wherein the signals transmitted by the base stations are amplified by amplifiers before transmission, and the selection decision is made on the basis of the load situation of the amplifiers. These limitations, in conjunction with all limitations of the independent claims, have not been disclosed, taught, or made obvious over the prior arts of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

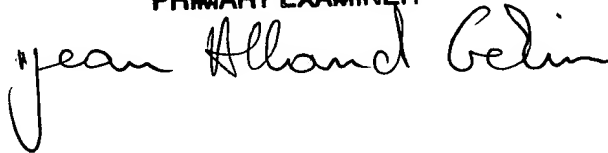
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGelin  
February 3, 2006

**JEAN GELIN**  
**PRIMARY EXAMINER**

A handwritten signature in cursive script that reads "Jean Alband Gelin". The signature is written in black ink and is positioned below the printed name and title.